

**REMARKS/ARGUMENTS**

The application was originally filed with claims 1-6. By this amendment, the applicants have amended claims 1, 4 and 6, only for purposes of clarification and not to overcome any of the cited references. No claims have been canceled or withdrawn from consideration. The applicants assert that the claim amendments, as well as the amendments to the specification, are fully supported by the application, as filed, and, as such, do not introduce new matter. Accordingly, claims 1-6 remain pending in the application.

**I. OBJECTIONS**

The examiner has pointed out that the applicants' claim of priority to a prior provisional application made in the specification of the present application includes a typographical error. The pertinent paragraph of the specification has been amended, and the applicants thank the examiner for discovering this inadvertent error.

The examiner has objected to the Information Disclosure Statement (IDS) filed March 26, 2003, under 37 C.F.R. 1.98(a)(2) for not including a legible copy of the references cited therein by the applicants. In response, the applicants have included herein copies of the non-patent literature mentioned by the examiner, and the applicants thank the examiner for identifying this inadvertent oversight.

The examiner has also objected to the Oath/Declaration under 37 C.F.R. 1.67(a) as not identifying the present application by application serial number and filing date. In addition, the examiner has objected to the Oath/Declaration as not having a properly identified mailing address for the inventors. Although the applicants intended the residential addresses to be understood as the proper mailing addresses, the applicants have submitted herewith new

Declarations separately listing the residential and mailing addresses of the inventors, as well as referencing the present application by serial number and filing date. As a result, the applicants respectfully request that this objection be withdrawn.

The examiner has next objected to the drawings under 37 C.F.R. 1.84(p)(5) for failing to include a reference numeral stated in the text of the specification. Specifically, the examiner has shown that #225, while mentioned in the specification, is not illustrated in the drawings. In response, the applicants submit herewith a replacement Figure 2 including the missing reference numeral, and the applicants thank the examiner for discovering this inadvertent error. Regarding the objections to the drawings found in the Notice of Draftperson's Patent Drawing Review, the applicants will submit formal drawings once the pending claims in the application have been allowed.

The examiner has also objected to several informalities in the text of the specification:

(1) The examiner has mentioned that it is unclear whether "CIE 1976 L\*a\*b format," as used on page 5, line 2, is referring to an acronym. Although the applicants believe that the meaning of this acronym would be readily apparent to one of ordinary skill in the art, the applicants have amended the cited portion of the specification to include the definition of the acronym, in accordance with the examiner's suggestion.

(2) The examiner has also mentioned that page 7, line 6, refers to Figure 3 as "a block diagram of a database," but that Figure 3 does not appear to be a block diagram of a database. In response, the applicants have amended the appropriate portions of the specification to clarify the identification of the subject matter illustrated in Figure 3 of the application.

(3) The examiner has also mentioned that page 10, lines 6-10, states that the application program 215 is stored in 205, but that Figure 2 illustrates 215 outside of 205. In response, the

applicants have amended the appropriate portions of the specification to clarify the potential locations of the application program 215.

(4) The examiner has also mentioned that page 10, line 17, refers to reference number 225, which is not shown in the figures. As mentioned above, an amended Figure 2 has been submitted herewith to correct this inadvertent omission.

(5) The examiner has also mentioned that page 11, line 22, includes a typographical error. In response, the applicants have amended the word “mature” to “nature” in accordance with the examiner’s suggestion.

(6) The examiner has also mentioned that specification employs the word “internet” rather than “Internet”. In response, the applicants have amended the appropriate portions of the specification in accordance with the examiner’s suggestions.

## **II. REJECTIONS UNDER 35 U.S.C. §112**

The examiner has rejected claims 1-3 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. Specifically, the examiner states that a phrase in claim 1 lacks antecedent basis. In response, the applicants have amended claim 1 to overcome the rejection.

The examiner has also rejected claim 6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. Specifically, the examiner states that a phrase in claim 6 also lacks antecedent basis. In response, the applicants have amended claim 6 so as to correspond to the text of independent claim 4 and thereby overcome the rejection. The applicants therefore

request that the rejections of claims 1 and 6 under 35 U.S.C. §112, second paragraph, be withdrawn.

### **III. REJECTIONS UNDER 35 U.S.C. §102**

The examiner has rejected claims 1-6 under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. to Yon, *et al.* The applicants respectfully assert that independent claims 1 and 4, and their respective dependent claims, are not anticipated by Yon, since Yon does not disclose each and every element recited in claims 1 and 4.

Specifically, Yon is directed to methods and systems for allowing a potential purchaser to specify a custom color or a color from a vendor's database of available colors. However, nothing in Yon teaches, or even suggests, "an algorithm exchange for providing access to coloring algorithms" having, among other things, "a server for providing access to a plurality of coloring algorithms to a client computer" as recited in independent claim 1 of the present application. In fact, it appears that the entire purpose of Yon is for purchasers to avoid having to employ color algorithms to calculate their own custom colors by having them simply request actual pre-mixed colors from vendors, and therefore letting the vendors deal with the color algorithms. As such, there is nothing in Yon's system that would allow purchasers to access actual color algorithms, which is contrary to claim 1 of the present application. Furthermore, independent claim 6 recites limitations analogous to those of claim 1. Therefore, there is also nothing in Yon to teach or suggest each and every element of independent claim 6.

For at least these reasons, Yon does not teach all of the elements of independent claims 1 and 4, and is therefore not an anticipating reference of these independent claims.

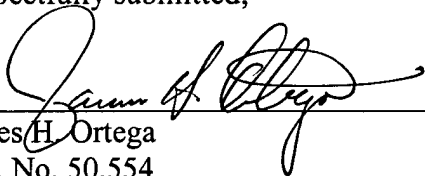
Moreover, because claims 2-3 and 5-6 depend from claims 1 and 4, respectively, Yon is also not an anticipating reference for these dependent claims. Accordingly, the applicants respectfully request the examiner withdraw the §102(e) rejection with respect to claims 1-6.

#### IV. CONCLUSION

The applicants respectfully submit that pending claims 1-6 are in condition for allowance, and request a Notice of Allowability for the pending claims. The examiner is invited to contact the undersigned Attorney of Record if such would expedite the prosecution of the present application. Although the applicants believe no fees are due with this amendment, if the Commissioner determines that fees are due, or an overcharge has occurred, please charge or credit Deposit Account No. 13-0480, referencing the Attorney Docket Number (32164689.10).

Respectfully submitted,

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